

shall have the right to be represented by himself and counsel therein; and in any injunction proceedings authorized by this Act, the candidate whose eligibility, and qualification are sought to be determined, shall have the right to appear in person and by attorney and join issue with such petition and present the defenses thereto, and any person or candidate who is hereby permitted to appear in any proceeding authorized under the foregoing Sections of this Act shall have the same right of appeal as the parties named on the face of the original petition.

Amendment No. 3.

Amend House Bill No. 110, by renumbering the emergency clause, Section 3.

JOHNSTON of Harris,
Chairman.

Committee Room,
Austin, Texas, March 19, 1918.
Hon. E. A. Decherd, President Pro
Tem. of the Senate.

Sir: Your Committee on Public
Debts, Claims and Accounts, to
whom was referred Senate Bill No
91,

Have had the same under consid-
eration, and I am instructed to re-
port same back to the Senate with
the recommendation that it do pass,
and be not printed, but be printed in
the Journal.

SUITER, Chairman.

By McNealus. S. B. No. 91.

A BILL
To be entitled

An Act to provide for the payment
to Mrs. J. D. Skelton, daughter of
Colonel William Fitzhugh, de-
ceased, the amount due the said
Colonel William Fitzhugh and re-
maining unpaid by the State of
Texas, for the purchase by the
State of Texas, from Colonel Wil-
liam Fitzhugh, of mules for the
Ranger Service, prior to 1860.

Be it enacted by the Legislature of
the State of Texas:

Section 1. That there be and is
hereby appropriated out of the Gen-
eral Revenue of the State of Texas
not otherwise appropriated, the sum
of seven thousand, four hundred and
seventy-one (\$7,471.00) dollars, in
payment of amount due, principal
and interest, to Mrs. J. D. Skelton,

daughter of Colonel William Fitz-
hugh, deceased, said amount being
due by the State of Texas and re-
maining unpaid on account of the
purchase by the State of Texas, from
Colonel William Fitzhugh, of mules
for the Ranger Service prior to 1860,
as shown by volume 5, pages 422-3
Gammel's Laws of the State of Texas,
1861-1866, Chapter 23, Eighth Leg-
islature, Extra Session, Special Laws
and other public records.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, March 20, 1918.

The Senate met at 9:30 o'clock a.
m. pursuant to adjournment, and was
called to order by President Pro Tem.
Decherd.

The roll was called, a quorum be-
ing present, the following Senators
answering to their names:

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Henderson.	

Absent.

Hudspeth.

Absent—Excused.

Dayton.

Prayer by Rev. Simeon Shaw.

Pending the reading of the Jour-
nal of yesterday, the same was dis-
persed with on motion of Senator
Alderdice.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Caldwell:

S. B. No. 104, A bill to be entitled "An Act to make appropriation for the purchase and installing of new boilers at the State Lunatic Asylum at Austin, Texas, and to make a supplemental appropriation for the purchase of dry goods and clothing at that institution for the fiscal years ending August 31, 1918, and August 31, 1919, and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Buchanan of Scurry:

S. B. No. 105, A bill to be entitled "An Act to amend Section 14, of Chapter 23, of the laws passed at the Regular Session of the Thirty-third Legislature being an Act creating a more effective road system for Scurry County, Texas, making county commissioners ex officio road commissioners for their respective precincts, prescribing their powers and duties, providing for their compensation, etc., so that said Section 14 of said Act shall hereafter read as set out below, and declaring an emergency."

Read first time and referred to the Committee on Roads, Bridges and Ferries.

By Senator Bee:

S. B. No. 106, A bill to be entitled "An Act to prohibit any person other than the lawful owner, or owners, to use, traffic in, purchase, sell, convert, mutilate or destroy or refuse to return to such owner any milk cans, milk bottles, milk jars, butter boxes, ice cream cans, or ice cream tubs branded or stamped by, or bearing the private mark of such owner."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Caldwell:

S. B. No. 107, A bill to be entitled "An Act making appropriations for deficiencies in appropriations heretofore made for the support of the Game, Fish and Oyster Department, for the fiscal year ending August 31, 1917, and declaring an emergency."

Read first time and referred to the Committee on Finance.

Simple Resolution No. 42.

Whereas, Senator S. B. Cowell, a distinguished former member of this body is now in the city; therefore, be it

Resolved, That he be invited to address the Senate, and the privileges of the floor be extended to him.

Westbrook, McCollum, Hopkins, Johnson of Hall, Gibson, Clark, McNealus.

The resolution was read and adopted, and the Chair appointed a committee to escort Senator Cowell to the President's stand, whereupon he addressed the Senate briefly.

Simple Resolution No. 43.

Whereas, Hon. C. L. Brachfield, a former distinguished member from the Eighth Senatorial District of Texas, is now in the Capitol; therefore, be it

Resolved, That Hon. C. L. Brachfield be invited to address the Senate and be accorded the privilege of the floor.

SMITH.

STRICKLAND.

The resolution was read and adopted, and Senator Brachfield was presented to the Senate and made a brief patriotic address.

Messages from the House.

Hall of House of Representatives.

Austin, Texas, March 20, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 10, A bill to be entitled "An Act authorizing the creation and establishment of water control and preservation districts for the control and preservation of the purity of the waters of rivers, creeks, bayous, lakes, canals, streams or other waters, for irrigation or in aid thereof, by the prevention of the inflow of salt water or other deleterious substances; the changing of said waters from salt to fresh water and the impounding of pure water, etc.," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

Hall of House of Representatives.
Austin, Texas, March 20, 1918.

Hon. E. A. Decherd, President Pro
Tem. of the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills:

S. B. No. 58, A bill to be entitled
"An Act granting permission to John
H. Elliott to bring suit against the
State of Texas in the district court
of Anderson County, Texas, for
damages for personal injuries re-
ceived by him while on duty as a
bridge carpenter in the employ of
the Texas State Railroad; providing
that such suit may be filed within
two years after this act takes effect;
and providing that such cause of ac-
tion shall not be barred until two
years after this act takes effect; and
providing for the method of serving
process and for procedure, governing
the trial and determination of such
suit, and declaring an emergency,"
with amendments.

S. B. No. 45, A bill to be entitled
"An Act amending Section 1, Chapter
91, of the General Laws passed by
the Thirty-fourth Legislature at its
Regular Session requiring applicants
for license to practice law under the
provisions of said Chapter to pro-
duce the proof of the existence of
the same or similar statute in the
State from which the applicant immi-
grates; validating all licenses issued
by the clerk of the Supreme Court
under the provisions of said Chapter
91, passed by the Thirty-fourth Leg-
islature, prior to the passage of this
Act, and declaring an emergency,"
with amendments.

S. B. No. 67, A bill to be entitled
"An Act to amend Article 2825,
Chapter 4, Title 47, of the Revised
Civil Statutes of Texas, 1911, relat-
ing to the qualifications of drainage
district commissioners; providing for
appointment of such commissioners
and their qualifications, compensa-
tion, terms of office, providing for
their election instead of appointment
upon petition of voters, and provid-
ing the duties of such officers, and
declaring an emergency," with
amendments.

S. B. No. 70, A bill to be entitled
"An Act to amend Article 921 of the
Code of Criminal Procedure of the
State of Texas adopted at the Regu-
lar Session of the Thirty-second Leg-
islature in 1911, and declaring an
emergency."

S. B. No. 66, A bill to be entitled
"An Act to amend Section 14, Chap-
ter 87, Acts of the Thirty-fifth Leg-
islature, Regular Session of 1917, re-
lating to the appointment of a tax
assessor and collector of water im-
provement districts; providing that
such tax assessors and collectors
may be appointed by the directors or
may be elected at an election called
for that purpose; providing for the
selection, qualification, bond, com-
pensation and duties of tax assessors
and collectors of water improvement
districts, and declaring an emer-
gency," with amendments.

S. B. No. 54, A bill to be entitled
"An Act to amend Sections 12 and 16
of the Special Road Law for Smith
County, Texas, passed at the Regular
Session of the Thirty-third Legisla-
ture and known as Chapter 70 of the
Special Laws of said Thirty-third
Legislature; and also to amend Sec-
tion 3 of Chapter 8 of the Special
Road Law of Smith County, Texas,
passed at the Regular Session of the
Thirty-fourth Legislature and ap-
proved February 16, 1915, prescrib-
ing the number of petitioners for elec-
tion in said county, or political sub-
division thereof, for road bonds, pre-
scribing the purposes of said bonds
and further prescribing the condi-
tion upon which every able-bodied
male convict shall be required to
labor upon public roads, and further
prescribing the duty of commis-
sioners and other county officials, pro-
viding penalties for failure to per-
form such duty, and further provid-
ing the time of maturity, rate of in-
terest and conditions of validating
elections heretofore held; rate of in-
terest and conditions of the sale of
said bonds, validating elections her-
etofore held, and declaring an emer-
gency."

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

Hall of House of Representatives.
Austin, Texas, March 20, 1918.

Hon. E. A. Decherd, President Pro
Tem. of the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bill:

S. B. No. 1, A bill to be entitled
"An Act to amend Chapter 1 of Title
44 of the Revised Civil Statutes of
the State of Texas of 1911, and to
provide the manner in which the

State funds shall be kept and deposited; to define the State Depository Board and its powers and what banks may become State depositories, and the manner and means of selecting such State depositories, providing for the distribution of such State funds among such depositories, repealing all laws in conflict, and declaring an emergency," with amendments.

Respectfully,
BOB BARKER,
Chief Clerk House of Representatives.

Hall of House of Representatives.
Austin, Texas, March 20, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on Senate Bill No. 28.

Respectfully,
BOB BARKER,
Chief Clerk House of Representatives.

Senate Bill No. 10—Amendments Concurred in.

Senator Collins called up for consideration of House amendments to: Senate Bill No. 10, General Irrigation Bill.

The following House amendments were read:

(1) Amend committee substitute for Senate Bill No. 10, Section 11, page 10, line 28, by striking out after the word "district" the words "to be hereafter appointed."

(2) Amend committee substitute for Senate Bill No. 10, Section 12, page 11, line 11, by striking out the word "five" and inserting in lieu thereof the word "three."

(3) Amend committee substitute for Senate Bill No. 10, Section 12, page 11, line 21, by striking out after the word "court" and words "for malfeasance or nonfeasance in office."

(4) Amend committee substitute for Senate Bill No. 10, Section 13, page 12, line 7, by striking out the word "notices" and inserting in lieu thereof the word "notice."

(5) Amend committee substitute for Senate Bill No. 10, Section 13, page 12, line 9, by adding after the word "district" the following: "but

stating that same is part of such entire district."

(6) Amend committee substitute for Senate Bill No. 10, Section 15, page 13, line 8, by inserting after the word "instead" the following: "of consisting of three members shall consist of five, and instead."

(7) Amend committee substitute for Senate Bill No. 10, page 15, by striking out all of Section 18 after the word "Secretary" in line 11 and inserting in lieu thereof the following: "when the board of directors consists of three members any two of said directors shall constitute a quorum, when the board of directors consists of five members any three of said directors shall constitute a quorum."

(8) Amend committee substitute for Senate Bill No. 10, Section 27, page 20, line 19, by striking out after the word "any" the word "three" and inserting in lieu thereof the word "two."

(9) Amend committee substitute for Senate Bill No. 10, Section 33, page 24, line 1, by striking out after the words "clerks and" the words "or clerks."

(10) Amend committee substitute for Senate Bill No. 10, page 28, Section 39, by striking out in line 18, after the word "directors" the words "and who shall receive such compensation as may be determined by said directors."

(11) Amend committee substitute for Senate Bill No. 10, Section 47, page 33, line 10, after the word "them" by inserting the following: "provided that where the district lies wholly within one county the directors shall not, after the completion of the improvements, employ any attorneys as legal advisers of the district or an engineer as engineer of such district, or any other employe, except with the concurrence and consent of the commissioners' court of such county, and the compensation to be paid such attorney, engineer or employe, so employed after the completion of the improvements, shall be fixed by the directors, subject to the approval of said commissioners' court."

(12) Amend committee substitute for Senate Bill No. 10, Section 47, page 33, line 15, by striking out after the word "other" the word "four."

(13) Amend committee substitute

for Senate Bill No. 10, Section 54, page 35, line 26, by striking out the word "three" and insert in lieu thereof the word "two."

(14) Amend committee substitute for Senate Bill No. 10, page 31, Section 43, line 21, by inserting after the word "price" the following words, "and not less than fifty (50) per cent thereof."

(15) Amend committee substitute for Senate Bill No. 10, page 24, Section 35, line 17, by striking out all of said Section down to and including the word "or," in line 25, and further amend said section by inserting a capital "I" in the word "in" in line 25.

(16) Amend committee substitute for Senate Bill No. 10, page 36, Section 57, line 8, by inserting the following: "Provided, however, the provisions of this Act shall not repeal or affect any of the provisions of the law contained in Chapter 87, Acts of the Thirty-fifth Legislature, at its regular session, or any amendments thereto, but are independent thereof."

(17) Amend committee substitute for Senate bill No. 10, Section 38, page 28, by striking out all of said Section after the word "fund" in line 13.

(18) Amend the bill further by striking out the word "and" at the end of line 13 and all of lines Nos. 14 and 15 on page 28 of printed committee Senate bill.

(19) Amend the caption, Senate Bill No. 10, to correspond with amendments.

The Senate concurred in the House amendments by the following vote:

Yeas—26.

Alderdice.	Hall.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Faust.	Suiter.
Floyd.	Westbrook.
Gibson.	Woodward.

Present—Not Voting.

Strickland.

Absent.

Henderson. McCollum.
Hudspeth.

Absent—Excused.

Dayton.

Bill Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing and did sign in the presence of the Senate, after its cation had been read, the following bill:

S. B. No. 43, A bill to be entitled "An Act to make appropriation for the maintenance of the State Council of Defense and the payment of the secretary thereof and his assistants, traveling expenses and other necessary expenses to be incurred by the State Council of Defense including clerk hire, and declaring an emergency."

House Bill No. 105.

The Chair laid before the Senate as pending special order, on second reading:

H. B. No. 105, A bill to be entitled "An Act to provide that women may vote in all primary elections and nominating conventions in Texas; prescribing qualifications for such voters, providing for registration in cities of ten thousand and over, and declaring an emergency."

The question being upon the pending amendment by Senator Johnston of Harris.

By unanimous consent the amendment was changed to read as follows:

Amend the bill by adding a Section at the end of the bill as follows: Section —. In all elections held under this law separate ballot boxes shall be provided wherein the male and female voters shall deposit their ballots; and such ballots shall be counted separately and kept separately by the legal returning officer.

Senator Latimore offered the following substitute for the pending amendment:

Amend House Bill No. 105, by striking out the period at the end of Section 3, and inserting a comma, and adding the following: "provided that before the name of each woman voting in such primary election the judge or clerks shall write on the poll lists the word 'woman;'"

provided further that such word may be so placed with a rubber stamp, or pen and ink or pencil."

Senator Dean moved the previous question on the adoption of the substitute, which being duly seconded, was ordered.

Action recurred upon the substitute, and the same prevailed by the following vote:

Yeas—15.

Alderdice.	Lattimore.
Bee.	McNealus.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Robbins.
Collins.	Smith.
Floyd.	Strickland.
Hopkins.	Suiter
Johnson of Hall.	

Nays—13.

Bailey.	Henderson.
Caldwell.	Johnston of Harris.
Clark.	McCollum.
Decherd.	Parr.
Faust.	Westbrook.
Gibson.	Woodward.
Hall.	

Absent.

Dean. Hudspeth.

Absent—Excused.

Dayton.

The amendment was then adopted as substituted.

Senator Hall offered the following amendment:

Amend House Bill No. 105, by striking out the period after the word "repealed" on line 3, page 3, and insert a semi-colon, and add the following: "provided that any person who is a qualified voter, under the Constitution and laws of this State may institute in the district court of Travis County, Texas, legal proceedings against the Attorney General of the State, who for the purpose of said suit, shall be deemed to be the defendant in said suit and to represent all parties charged with the enforcement of this Act, to determine the validity of this Act, which said suit shall have precedence over all other cases on the docket of said court and said suit shall be tried as other suits and either party to said suit shall have the right of appeal to the Appellate Court having jurisdiction of said cause, and said cause shall have precedence in said Appel-

late Court over all other cases on the docket of said court."

HALL.

The amendment was read and lost by the following vote:

Yeas—11.

Bailey.	Johnston of Harris.
Caldwell.	McCollum.
Clark.	Parr.
Faust.	Strickland
Gibson.	Woodward.
Hall.	

Nays—15.

Bee.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Collins.	Page.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Suiter
Henderson.	Westbrook.
Hopkins.	

Absent.

Alderdice.	Hudspeth.
Buchanan of Bell.	McNealus.

Absent—Excused.

Dayton.

Senator Johnston of Harris offered the following amendment which was read:

Amend House Bill No. 105, by adding Section — to read as follows:

Section —. At the first general primary election held by the Democratic party in this State after the passage and taking effect of this Act, there shall be printed on a separate official ballot of said party and submitted to the female electors alone, the proposition of whether such electors desire full suffrage at all elections and equal suffrage with male electors. The proposition to be submitted in the following manner:

"For Equal Woman Suffrage."

"Against Equal Woman Suffrage."

Section —. Said ballots shall be furnished all the female electors participating in said primary, and shall be numbered as are other ballots, placed in a separate box, counted and the result tabulated and certified as are returns on other issues submitted or authorized to be submitted under this or other existing law.

Section —. Those female electors favoring equal woman suffrage in all elections will vote for and those opposed to full equal female suffrage will vote against same.

Section —. The result of the vote on said issue to be certified to the State Executive Committee or its chairman as is now provided by law for such action as the party in its duly constituted and authorized manner may deem necessary to give force to the expressed result.

JOHNSTON of Harris.
BAILEY.

Senator Lattimore made the point of order that the amendment is not germane to the bill, and seeks to change the purpose of the bill.

The Chair sustained the point of order.

Appeal from Ruling of Chair.

Senator Bailey appealed from the ruling of the Chair, and Senator Collins was called to the Chair and presided.

Senator Collins put the question as follows: "Shall the ruling of the Chair be sustained?"

The Chair was sustained by the following vote:

Yeas—18.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Collins.	McNealus.
Dean.	Page.
Floyd.	Robbins.
Gibson.	Suiter.
Henderson.	Westbrook.

Nays—8.

Bailey.	Hall.
Caldwell.	Johnston of Harris.
Clark.	Parr.
Faust.	Woodward.

Present—Not Voting.

Decherd.

Absent.

Hudspeth.	Strickland.
Smith.	

Absent—Excused.

Dayton.

House Bill No. 105 pending.

Messages from the Governor.

A messenger here appeared at the bar of the Senate with several execu-

tive messages, which were laid before the Senate and read as follows:

Governor's Office,
Austin, Texas, March 20, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Senator C. R. Buchanan of Scurry County, I submit for your consideration an Act to amend Section 14, Chapter 33, of the Laws passed at the Regular Session of the Thirty-third Legislature being an Act creating a more effective road system for Scurry County.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 20, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Senator W. L. Dean, I submit for your consideration the subject of enacting a law which would permit the Board of Prison Commissioners to pay any notes which have been executed by or under their authority which the records of the Board of Prison Commissioners show to be just, due and unpaid.

Respectfully submitted.

W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 20, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. C. B. Metcalfe of Tom Green County, I submit for your consideration the following subject:

The enactment of a law making appropriations for deficiencies in appropriations heretofore made for the support of the State Government for the fiscal year ending August 31, 1917, to cover duly authorized deficiency claims registered in the office of the Comptroller of Public Accounts of the State of Texas, in accordance with law.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 20, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. W. H.

Bledsoe, I submit for your consideration the following subjects:

The enactment of a law establishing Common School District No. 15, in Lubbock County, Texas.

The enactment of a law readjusting the common school districts and county line common school districts in Lubbock County, against which outstanding bond issues are now in force.

The enactment of a law changing the boundaries of Lubbock Independent School District and Canyon Independent School District No. 11, and New Hope Common School District No. 20 in Lubbock County, Texas.

The enactment of a law changing the boundaries of Abernathy Independent School District, situated in Hale and Lubbock Counties, Texas.

The enactment of a law changing the boundaries of Common School Districts Nos. 3 and 4 and Slaton Independent School District in Lubbock County, Texas.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 20, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Senator Carlos Bee, I submit for your consideration the enactment of a law to prohibit any person other than the lawful owner or owners to use, traffic in, purchase, sell, convert, mutilate or destroy, or to refuse to return to such owner any milk cans, milk bottles, milk jars, butter boxes, ice cream cans or ice cream tubs branded or stamped by, or bearing the private mark of such owner.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Recess.

At 12 o'clock noon, the Senate, on motion of Senator Clark, recessed until 2 o'clock p. m. today.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Decherd.

Bills Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 45, A bill to be entitled "An Act amending Section 1, Chapter 91, of the General Laws passed by the Thirty-fourth Legislature at its regular session requiring applicants for license to practice law under the provisions of said chapter to produce the proof of the existence of the same or similar statute in the State from which the applicant immigrates; validating all licenses issued by the Clerk of the Supreme Court under the provisions of said Chapter 91, passed by the Thirty-fourth Legislature, prior to the passage of this Act, and declaring an emergency."

S. B. No. 70, A bill to be entitled "An Act to amend Article 921 of the Code of Criminal Procedure of the State of Texas adopted at the Regular Session of the Thirty-second Legislature in 1911, and declaring an emergency."

House Concurrent Resolution No. 8, relating to the extension of the K. C. M. & O. Ry from San Angelo to Del Rio.

House Bill No. 105.

(Pending Business.)

Action recurred upon House Bill No. 105, as pending business, the question being upon the passage of the bill to third reading.

Senator McNealus offered the following amendment, which was read and adopted:

Amend House Bill No. 105, by adding after Section 2, a new Section to be known as Section 2a, to read as follows:

Section 2a. Every woman who possesses the other qualifications of an elector under the Constitution and Laws of this State, and who lives in a voting precinct outside of a city of ten thousand inhabitants, shall have the right to vote in all primary elections held in the year 1918, who shall present herself, personally, at the office of the tax collector of the county in which she lives at any time not less than fifteen days prior to the holding of such primary election, and shall per-

sonally fill out, in her own hand, in duplicate, or upon a form and stub, the form of registration receipt prescribed in Section 2, of this bill, and shall sign and swear to same before said tax collector, who shall certify one copy of such receipt in form as prescribed in Section 2 of this Act, and deliver same to such registrant, who shall present same, or an affidavit as to its loss or destruction, when she offers to vote at such primary election.

McNEALUS.
BUCHANAN of Scurry.
STRICKLAND.

Reasons for Vote.

While no record vote is taken on amendment No. 4 to House Bill No. 105, I vote "nay" because I believe this amendment discriminates against those residing at a distance from the tax collector's office.

SUITER.

The bill was read second time and passed to its third reading by the following vote:

Yeas—20.

Alderdice.	Johnson of Hall.
Bee.	Lattimore.
Buchanan of Bell.	McCollum.
Buchanan of Scurry.	McNealus.
Collins.	Page.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Nays—7.

Bailey.	Gibson.
Caldwell.	Hall.
Clark.	Johnston of Harris.
Faust.	

Pairs Recorded.

Senator Robbins (present), who would vote "yea;" Senator Hudspeth (absent), who would vote "nay."

Senator Parr (present), who would vote "nay;" Senator Dayton (absent), who would vote "yea."

Senator Collins moved that the constitutional rule requiring bills to be read on three several days be suspended and House Bill No. 105 put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—23.

Alderdice.	Johnson of Hall.
Bee.	Lattimore.
Buchanan of Bell.	McCollum.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Collins.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Henderson.	Woodward.
Hopkins.	

Nays—6.

Bailey.	Hall.
Clark.	Johnston of Harris.
Faust.	Parr.

Absent.

Hudspeth.

Absent—Excused.

Dayton.

Executive Session—Time Set.

Senator McNealus moved that the Senate go into executive session on next Tuesday morning at 11 o'clock for the purpose of consideration of appointments by the Governor, including notary appointments.

The motion prevailed.

Simple Resolution No. 44.

Resolved, That there is hereby appropriated out of the contingent expense fund of the Senate the sum of two hundred (\$200.00) dollars, or so much thereof as may be necessary for compiling, indexing and proof reading the laws passed at the Fourth Called Session of the Thirty-fifth Legislature; said work shall be under the direction of the Secretary of State, and when same is completed voucher shall be issued by the Chairman of the Contingent Expense Committee of the Senate, upon account duly approved by the Secretary of State for the amount herein appropriated, and said account shall be paid by the Comptroller as all other accounts are paid.

CALDWELL.

The resolution was read, and Sen-

ator Hopkins offered the following amendment.

Amend the resolution by striking out "\$200.00" where it appears in the resolution and insert in lieu thereof the following, "\$50.00."

On motion of Senator Lattimore, the resolution and amendment were laid on the table subject to call.

Senate Bill No. 1—Free Conference Committee Elected.

Senator Dean made the following written motion:

I move that the Senate do not concur in the House amendments to Senate Bill No. 1, and that a free conference be requested; that Senators Hopkins, Page, Lattimore, Suiter and Gibson be elected conferees on the part of the Senate.

DEAN.

The motion was read and adopted, carrying the election of the committee therein named.

Senate Bill No. 28—Free Conference Committee Report.

The Chair laid before the Senate the following:

Committee Room.

Austin, Texas, March 19, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Your Free Conference Committee on Senate Bill No. 28, have had said bill, together with House amendments, under consideration and recommend that the following House amendment be adopted, to wit:

1. The House substitute for Section 10 of said bill, reading as follows:

Section 10. Said Commission of Appeals shall hold its sessions in Austin, Texas, at the same time and place as the Supreme Court, but the said Commission of Appeals shall continue their work during the vacation of the Supreme Court in mid-summer, subject, however, to the right of said judges of the Commission of Appeals to take a vacation,

not to exceed eight weeks, during said period. They shall appoint as many stenographers, not exceeding four, as said Commission may find necessary, and such stenographers shall perform the duties required of them by said Commission of Appeals, and each of whom shall receive an annual salary not to exceed fifteen hundred dollars. The salaries of said stenographers shall be paid in monthly installments, on warrants approved by the Chief Justice of the Supreme Court. The clerk of the Supreme Court shall perform the duties of the clerk of the Commission of Appeals, and no extra fees shall be allowed the clerk of the Supreme Court, or his deputy, for services rendered said Commission save and except an additional compensation of fifteen hundred dollars per annum for such services, in addition to the compensation now allowed by law to be paid out of the fees of his office.

2. The House substitute for Section 8, of said bill, reading as follows:

Section 8. The opinions of said Commission of Appeals in cases referred to it by the Supreme Court, when adopted by said court, shall be published as the opinions thereof, as in other cases, unless otherwise directed by the Supreme Court.

3. The House amendment to Section 1 of said bill, reading as follows:

The concurrence of two of the judges of any section shall be necessary to the decision of any question or matter referred to them.

We recommend that Section 15 of said bill be stricken out and the following be inserted in lieu thereof:

"Section 15. The Commission of Appeals created hereby shall begin their services on the first Monday in October, 1918, and shall continue in existence until the last Saturday in June, 1920."

We recommend the following additional amendments:

(a) Amend the caption by striking out the words "for two years" and inserting in lieu thereof the following, "from the first Monday in October, 1918, until the last Saturday in June, 1920."

(b) Amend the bill by striking out the words "for two years" in line 4 of Section 1, and inserting in lieu thereof the following, "from the

first Monday in October, 1918 until the last Saturday in June, 1920."

BEE,
LATTIMORE,
HENDERSON,
COLLINS,
DEAN,

On the part of the Senate.

CARLOCK,
DeBOGORY,
HENDERSON,
TEMPLETON,
BLACKBURN,

On the part of the House.

The foregoing report was read and, on motion of Senator Dean, the same was adopted.

House Bill No. 110.

Senator Westbrook moved that the regular order of business be suspended, and the Senate take up, out of its order, House Bill No. 110.

The motion prevailed by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Clark.	Parr.
Collins.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.
Henderson.	

Nays—2.

Caldwell.	Hall.
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Present—Not Voting..

Johnston of Harris. McCollum.

Absent.

Gibson.	Woodward.
Hudspeth.	

Absent—Excused.

Dayton.

The Chair laid before the Senate on second reading:

H. B. No. 110, A bill to be entitled "An Act to amend Articles 3086, (Chapter 10, Title 49), Revised Civil Statutes of 1911, so as to provide that no candidate at a primary elec-

tion for a State or district office shall be declared the nominee of any political party unless he has complied with all the requirements of law, and received a majority of the votes cast for all candidates for such office at such primary election, providing for the holding of a second primary election and fixing the date for the holding of all second primary elections; and declaring an emergency."

The committee report that the bill be not printed and carrying committee amendment (see page 329 of the Journal for amendments) was adopted.

Senator Hopkins offered the following amendment:

Amend House Bill No. 110 by striking out the clause "third Saturday in August" wherever it appears in the bill and insert in lieu thereof the following, "fourth Saturday in August."

Amend House Bill No. 110 by adding after Section 2, the following:

Section 3. That Articles 3138, 3139, and 3140 of the Revised Civil Statutes of 1911, be amended so as to hereafter read as follows:

Article 3138. On the third Monday after the fourth Saturday in July, 1918, and every two years thereafter the State Executive Committee shall meet at a place selected at the meeting held on the second Monday in June preceding, and shall open and canvass the returns of the primary elections held on the fourth Saturday in July as to candidates for State officers, as certified by various county chairmen, and shall prepare a tabulated statement showing the number of votes received by each such candidate in each county, which statement shall be approved by the State committee and certified by its chairman. If such returns show that for any State office no candidate received a majority of all votes cast for the candidates for such office, such committee shall prepare a list of the two candidates receiving the highest vote for each office for which no candidate received a majority of votes cast at such primary for such office and shall certify same to the county chairman of the several counties to be placed upon the official ballot as candidates for office at the second primary election to be held on the fourth Saturday in August thereafter. On the second

Monday after the fourth Saturday in August, 1918, and every two years thereafter, the State Executive Committee shall meet at the place selected for the meeting of the State Convention and shall open and canvass the returns of the second primary election held to nominate candidate for State officers as certified by the various county chairmen to the State chairman, and shall prepare a tabulated statement showing the number of votes received by each such candidate in each county, which statement shall be approved by the State committee and certified by its chairman. At this meeting the State committee shall also prepare a complete list of the delegates elected to the State conventions from each county, as certified to the State chairman by each county chairman. The State chairman shall present said tabulated statement and said list of delegates to the chairman of the State Convention after its temporary organization on the following day, for its approval or disapproval.

Article 3139. The State convention shall canvass the vote cast in the entire State for each candidate for each State office as shown by the statement thereof presented to it by the State committee, and shall declare the candidate for each State office who has received a majority of votes cast for all candidates for such office in the first primary election, if any candidate receives a majority of all the votes cast for all the candidates for such office at said primary election, and if no candidate received such majority, then it shall declare the candidate who received a majority of all votes cast for such office at the second primary election the nominee of the party for such office; and the chairman and the secretary of the State Convention shall forthwith certify all such nominations to the Secretary of State.

Article 3140. All party State Conventions to announce a platform of principles and announce nominations for Governor and State offices shall, except as otherwise provided, meet at such places as may be determined by the parties respectively on the Tuesday after the second Monday after the fourth Saturday in August, 1918, and every two years thereafter and they shall remain in session from day to day

until all nominations are announced and the work of the convention is finished. Provided, that said convention shall, among other things, elect a chairman of the executive committee and thirty-one members thereof, one from each senatorial district of the State, the members of said committee to be those persons who shall be recommended by the delegates representing the counties composing the senatorial district respectively, each county voting its convention strength; and, in case of a vacancy, a majority of the members of said committee shall fill the same by electing same eligible person thereto.

Amend House Bill No. 110, by inserting in the caption before the clause, "and declaring an emergency," the following:

And to amend Articles 3138, 3139 and 3140 of the Revised Civil Statutes of 1911, so as to fix the time for the meeting of the State Executive Committee to canvass returns, and of the State Conventions.

Amend House Bill No. 110, renumbering the emergency clause "Section 4."

HOPKINS.

The foregoing amendments were read and adopted.

Senator Lattimore moved to reconsider the vote by which the amendments were adopted.

The motion prevailed.

Senator Lattimore moved to reconsider the vote by which the committee report was adopted.

The motion prevailed.

Senator Bailey moved to postpone further consideration of the bill and that same be set as a special order at the conclusion of the morning call tomorrow.

On motion of Senator Westbrook, the motion of Senator Bailey was tabled.

Senator Dean moved the previous question on the adoption of the committee report carrying amendments, which being duly seconded, was ordered.

Action recurred upon the committee report and the same was adopted by the following vote:

Yeas—20.

Alderdice.	Collins.
Buchanan of Bell.	Dean.
Buchanan of Scurry.	Decherd.

Floyd.	McNealus.
Gibson.	Page.
Henderson.	Robbins.
Hopkins.	Smith.
Johnson of Hall.	Strickland.
Johnston of Harris.	Suiter
Lattimore.	Westbrook.

Nays—7.

Bee.	Hall.
Caldwell.	McCollum.
Clark.	Parr.
Faust.	

Present—Not Voting.

Bailey.

Absent.

Hudspeth.	Woodward.
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Absent—Excused.

Dayton.

Refusal to Adjourn.

At 5 o'clock p. m. Senator Bailey moved that the Senate adjourn until 10 o'clock tomorrow.

The motion was lost.

House Bill No. 110.

(Pending Business.)

Action recurred upon House Bill No. 110, the question being upon the amendment offered by Senator Hopkins, and the same was adopted.

Senator Clark offered the following amendment:

Amend the bill, on page 1, beginning after the word "is" in line 25, by striking out all down to, and including "candidate" in line 26; and inserting in lieu thereof, "an American citizen and."

CLARK.

On motion of Senator Westbrook, the amendment was tabled.

The bill was read second time and passed to its third reading.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 110 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Bee.
Bailey.	Buchanan of Bell.

Buchanan of Scurry.	Johnston of Harris.
Collins.	Lattimore.
Dean.	McCollum.
Decherd.	McNealus.
Faust.	Page.
Floyd.	Robbins.
Gibson.	Smith.
Henderson.	Strickland.
Hopkins.	Suiter
Johnson of Hall.	Westbrook.

Nays—3.

Clark.	Parr.
Hall.	

Absent.

Caldwell.	Woodward.
Hudspeth.	

Absent—Excused.

Dayton.

The bill was laid before the Senate, read third time and, on motion of Senator Westbrook, was passed by the following vote:

Yeas—21.

Alderdice.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Collins.	Page.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter
Henderson.	Westbrook.
Hopkins.	

Nays—4.

Caldwell.	Hall.
Clark.	Parr.

Present—Not Voting.

Bailey.	McCollum.
Faust.	

Absent.

Hudspeth.	Woodward.
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Absent—Excused.

Dayton.

Senator Westbrook moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 58—House Amendments Concurred In.

Senator Strickland called up for consideration of House amendments to:

S. B. No. 58, A bill to be entitled "An Act granting permission to John H. Elliott to bring suit against the State of Texas in the District Court of Anderson County, Texas, for damages for personal injuries received by him while on duty as a bridge carpenter in the employ of the Texas State Railroad."

The following House amendment was read:

Amend Senate Bill No. 58, Section 3, by adding at the end of said Section the following: "Provided any amount determined due plaintiff in accordance with the provision of this Act shall be approved by Act of the Legislature."

The amendment was concurred in by the following vote:

Yeas—27.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	

Present—Not Voting.

Johnston of Harris.

Absent.

Hudspeth. Woodward.

Absent—Excused.

Dayton.

Senate Bill No. 48.

The Chair laid before the Senate on second reading:

S. B. No. 48, A bill to be entitled "An Act declaring syphilis, gonorrhea and chancroid and hereinafter designated as venereal diseases, to be contagious, infectious, communicable and dangerous to the public health;

providing for and requiring reports to be made by physicians and others in all cases of such diseases; requiring patients affected with venereal disease to give information thereof; requiring city, county and local health officers to ascertain the existence of such diseases and the sources of infection; providing for the protection of others from infection from such diseases; providing the condition under which the name of the patients is required to be reported; requiring druggists to keep a record of sales of drugs for venereal diseases; prohibiting any person from knowingly exposing another to infection from venereal diseases; providing for the giving of certain certificates of freedom from such diseases; providing that the records and all information concerning the persons infected with such diseases shall be kept secret from the public; providing for penalty for violations of this Act; investing the State, county and local health officers with all authority now provided for the enforcement of quarantine regulations, to enforce the provisions of this Act, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Dean offered the following amendments which were read and adopted, seriatim:

(1) Amend the bill by adding after Section 13 thereof, a new Section to be called Section 13a and to read as follows:

"Section 13a: For the purpose of carrying into effect the provision of this Act, there is hereby appropriated to the State Health Department, out of moneys in the State Treasury, not otherwise appropriated, the following sums, to wit: For the fiscal year ending August 31, 1918, the sum of fifteen thousand (\$15,000.00) dollars. For the fiscal year ending August 31, 1919, the sum of thirty thousand (\$30,000.00) dollars."

(2) Amend the caption of the bill by adding after the words "this act" in line 24, page 1, the following: "making appropriations for carrying into effect the provisions of this act."

(3) Amend the bill by adding at the end of Section 12 thereof, and as a part of said Section, the following: "Any health officer or other physician who shall wilfully fail to perform the duties required of him in

this Act shall, in addition to the penalties imposed by this Section, forfeit his right and license to practice medicine within this State; and the district courts of the State shall have jurisdiction of suits for the forfeiture of such licenses in such cases, and the suit may be filed by any citizen of the State in the court having jurisdiction, under the ordinary rules of venue, and it shall be the duty of the county and district attorneys, to represent the petitioners in said suit."

The bill was read second time and passed to engrossment.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 48 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McCollum.
Collins.	McNealus.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Smith.
Floyd.	Strickland.
Gibson.	Westbrook.

Present—Not Voting.

Bailey.

Absent.

Hall.	Suiter
Hudspeth.	Woodward.
Page.	

Absent—Excused.

Dayton.

The bill was laid before the Senate, read third time and, on motion of Senator Dean, was passed by the following vote:

Yeas—24.

Alderdice.	Decherd.
Bee.	Faust.
Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hall.
Caldwell.	Henderson.
Clark.	Johnson of Hall.
Collins.	Johnston of Harris.
Dean.	Lattimore.

McCollum.	Smith.
McNealus.	Strickland.
Parr.	Suiter
Robbins.	Westbrook.

Nays—1.

Bailey.

Present—Not Voting.

Floyd.

Absent.

Hopkins.	Page.
Hudspeth.	Woodward.

Absent—Excused.

Dayton.

Senate Bill No. 100.

The Chair laid before the Senate on second reading:

S. B. No. 100, A bill to be entitled "An Act to permit all applicants for registration as nurses, under the provisions of Articles 5748 to 5755, inclusive, Chapter 2, Title 90, of the Revised Civil Statutes of the State of Texas (1911), and who shall be otherwise properly qualified and who may pass a satisfactory examination, conducted by the Board of Nurse Examiners; to practice professional nursing in this State; provided, that the applicant for examination for such license as a nurse shall not be required by the board to have more than one year's training as a nurse in a hospital, sanitarium or school before the issuance of a license to such party; repealing all laws in conflict herewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Clark, the constitutional rule requiring bills to be read on three several days was suspended, and Senate Bill No. 100 put on its third reading and final passage by the following vote:

Yeas—28.

Alderdice.	Decherd.
Bailey.	Faust.
Bee.	Floyd.
Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hall.
Caldwell.	Henderson.
Clark.	Hopkins.
Collins.	Johnson of Hall.
Dean.	Johnston of Harris.

Lattimore.	Robbins.
McCollum.	Smith.
McNealus.	Strickland.
Page.	Suiter
Parr.	Westbrook.

Absent.

Hudspeth.	Woodward.
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Absent—Excused.

Dayton.

The bill was laid before the Senate, read third time and, on motion of Senator Clark, was passed by the following vote:

Yeas—28.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Smith.
Floyd.	Strickland.
Gibson.	Suiter
Hall.	Westbrook.

Absent.

Hudspeth.	Woodward.
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Absent—Excused.

Dayton.

House Bill No. 156.

The Chair laid before the Senate on second reading:

H. B. No. 156, A bill to be entitled "An Act to amend Chapter 1, Section 119, Revised Statutes of Texas, 1911, by adding thereto Articles 6901a, 6901b, 6901c, 6901d and 6901e; fixing the compensation of county commissioners, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Gibson offered the following amendment:

Amend the bill by inserting \$1500 instead of \$1800 in counties of 40,000 to 50,000 population.

On motion of Senator Bailey, the bill was set as a special order for Friday morning at the conclusion of

the morning call by the following vote:

Yeas—18.

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	McNealus.
Buchanan of Bell.	Parr.
Buchanan of Scurry.	Robbins.
Collins.	Smith.
Decherd.	Strickland.
Faust.	Suiter
Floyd.	Westbrook.

Nays—9.

Caldwell.	Johnston of Harris.
Clark.	Lattimore.
Dean.	McCollum.
Hall.	Page.
Henderson.	

Present—Not Voting.

Gibson.

Absent.

Hudspeth.	Woodward.
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Absent—Excused.

Dayton.

House Bill No. 94 Set as Special Order.

By unanimous consent and on request of Senator Bee, House Bill No. 94 was set as a special order for tomorrow at the conclusion of the morning call.

Senate Bill No. 60.

The Chair laid before the Senate on second reading:

S. B. No. 60, A bill to be entitled "An Act to amend Article 1063, Title 15, Chapter 8, Revised Penal Code of the State of Texas, of 1911, defining rape, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Johnson of Hall, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 60 put on its third reading and final passage by the following vote:

Yeas—28.

Alderdice.	Bee.
Bailey.	Buchanan of Bell.

Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	Lattimore.
Collins.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Faust.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Henderson.	Suiter.
Hopkins.	Westbrook.

Absent.

Hudspeth. Woodward.

Absent—Excused.

Dayton.

The bill was laid before the Senate, read third time and, on motion of Senator Johnson of Hall, was passed by the following vote:

Yeas—26.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.

Present—Not Voting.

Bailey.

Absent.

Hudspeth. Woodward.
Johnston of Harris.

Absent—Excused.

Dayton.

Simple Resolution No. 45.

(By unanimous consent.)

We move that Hon. R. H. Ward, a distinguished citizen of Texas, who is now in the Senate Chamber be invited to the privileges of the floor of the Senate and that he address the Senate.

BEE.

LATTIMORE.

The resolution was read and

adopted, and the Hon. R. H. Ward addressed the Senate.

Refusal to Adjourn.

At 5:45 o'clock p. m., Senator Clark moved that the Senate adjourn until 9 o'clock tomorrow.

The motion was lost by the following vote:

Yeas—11.

Alderdice.	Johnston of Harris.
Bailey.	McCollum.
Bee.	Page.
Clark.	Smith.
Hall.	Strickland.
Hopkins.	

Nays—17.

Buchanan of Bell.	Henderson.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Lattimore.
Collins.	McNealus.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Suiter.
Floyd.	Westbrook.
Gibson.	

Absent.

Hudspeth. Woodward.

Absent—Excused.

Dayton.

Message from the House.

Hall of House of Representatives.
Austin, Texas, March 20, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House Grants the request of the Senate for a Free Conference Committee on Senate Bill No. 1. The following have been appointed on the part of the House: Messrs Thomas, Miller of Dallas, Brown, Dudley, Sentell.

Passed

H. B. No. 133, A bill to be entitled "An Act to authorize the commissioners court of Bell County to fund an issue of road warrants with an issue of road improvement bonds and thereby relieve the road and bridge fund of the warrant debt, and declaring an emergency."

H. B. No. 148, A bill to be entitled "An Act creating a more efficient road system for Chambers County,

etc., and declaring an emergency," with engrossed rider.

H. B. No. 166, A bill to be entitled "An Act to amend Chapter 88 of the Special Laws of the Regular Session of the Thirty-fifth Legislature, known as the Henderson County road law, etc., and declaring an emergency."

H. B. No. 140, A bill to be entitled "An Act requiring the heads of the departments located in the Capitol and the State Land Office building in the city of Austin to file with the Superintendent of Public Buildings and Grounds a complete inventory of all furniture, fixtures, machinery, machines, typewriters and other office utilities, except books and stationery; fixing the time when such inventories must be filed; making the heads of the departments responsible for the property not accounted for and lost by reason of carelessness and negligence of the officer; making it the duty of the Superintendent of Public Buildings and Grounds to check up such inventories and make demand for the restoration or payment of all property not lawfully accounted for; declaring that departmental heads shall neither purchase nor sell any of the personal property enumerated in this Act, but when no longer of use shall be delivered to the Superintendent of Public Buildings and Grounds for disposition; making it the duty of the Superintendent of Public Buildings and Grounds to furnish the various departments with all furniture, fixtures, office necessities and utilities heretofore named, except stationery and books; regulating the manner of purchases for such purpose, but declaring that all purchases made prior to August 31, 1918, shall be made as now provided in appropriation bills, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk. House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem. Decherd had referred, after their captions had been read, the following bills:

H. B. No. 148, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 133, referred to the

Committee on Roads, Bridges and Ferries.

H. B. No. 166, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 140, referred to the Committee on Public Buildings and Grounds.

Senate Bill No. 74.

The Chair laid before the Senate on second reading:

S. B. No. 74, A bill to be entitled "An Act to prevent and punish prostitution and other unlawful sexual intercourse and the spread of venereal diseases within the State of Texas, by amending Articles 496 and 504, Chapter 4, Title 10 of the Penal Code of the State of Texas of 1911, and by adding after Article 504 certain articles to be numbered and known as Articles 504a and 504b and to read as herein set out, and by amending Articles 4689 and 4690 of Title 69 of the Revised Civil Statutes of Texas of 1911 and by adding after said Article 4690 certain articles to be numbered and known as Articles 4690a, 4690b, 4690c and 4690d, and declaring an emergency."

The committee report that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 74 put on its third reading and final passage by the following vote:

Yeas—28.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Smith.
Floyd.	Strickland.
Gibson.	Sulter.
Hall.	Westbrook.

Absent.

Hudspeth. Woodward.

Absent—Excused.

Dayton.

The bill was laid before the Senate, read third time and, on motion of Senator Lattimore, was passed by the following vote:

Yeas—24.

Alderdice.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	Lattimore.
Collins.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Faust.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Henderson.	Westbrook.

Nays—1.

Bailey.

Present—Not Voting.

Bee.

Parr.

Absent.

Buchanan of Bell. Woodward.
Hudspeth.

Absent—Excused.

Dayton.

Adjournment.

At 6 o'clock p. m. Senator Clark moved to adjourn until 9 o'clock to-morrow morning.

Senator Collins moved as a substitute that the Senate recess until 7:30 p. m. today.

Action recurred upon the motion to adjourn and the same was adopted by the following vote:

Yeas—17.

Bailey.	Hopkins.
Bee.	Johnson of Harris.
Buchanan of Bell.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Henderson.	

Nays—11.

Alderdice.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Collins.	Parr.
Dean.	Suiter.
Decherd.	Westbrook.
Faust.	

Absent.

Hudspeth.

Woodward.

Absent—Excused.

Dayton.

APPENDIX.

Petitions and Memorials.

Senator McNealus offered a telegram signed by members of the Dallas County Grand Jury favoring the bill providing for grand jury stenographers.

Committee Reports.

(Floor Report.)

Senate Chamber.

Austin, Texas, March 20, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate Bill No. 105, being a bill to amend Section 14 of the special road laws of Scurry County, and declaring an emergency,

Have had same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Caldwell, Chairman; Strickland, Smith, Clark, Buchanan of Scurry, Floyd.

(Floor Report.)

Senate Chamber.

Austin, Texas, March 20, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred H. B. No. 120, A bill to be entitled "An Act granting the State Superintendent of Public Instruction authority to extend teacher's certificates, naming the conditions under which they may be extended, and declaring an emergency,"

Have had the same under consideration, and we are instructed to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Bee, Chairman; Bailey, Robbins, Gibson, Buchanan of Scurry, Alderdice, Floyd, Smith, Dean, Johnson of Hall, Decherd, Page, Collins, Lattimore.

Committee Room.

Austin, Texas, March 20, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

Senate Bill No. 47,

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass, and be not printed, but be printed in the Journal.

BAILEY, Chairman.

By McNealus.

S. B. No. 47.

A BILL

To be entitled

An Act providing for the appointment of official stenographers for grand juries by the judges of the district courts presiding over same, and prescribing their qualifications and duties, and providing for their compensation, and prescribing the time and method of transcribing and furnishing to the district or county attorney of such counties or judicial districts of such evidence and testimony adduced and given before such grand juries in the investigation of crimes and offenses coming before such bodies, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That for the purpose of preserving the record of all evidence and testimony given before the grand juries of the State of Texas, when deemed necessary and important by the district judge, or judges presiding over such grand juries, and the district or county attorney in charge of such matter being investigated, for the information and benefit of the State in the furtherance of the prosecution of said crimes and offenses; the district judge or judges of each judicial district of the State of Texas presiding over grand juries shall have the authority and is hereby authorized, when he and the district or county attorney of such district may deem it advisable and necessary to appoint an official shorthand reporter for such grand jury, who shall be a competent and skilled stenographer, and who shall be a sworn officer of such court, and

shall hold his office during the pleasure of such court, and shall perform his duties and services at such times and when directed by such court, or district or county attorney in charge of said grand juries, while the same are in session.

Section 2. Before any person shall assume the duties of official stenographer under the provisions of this Act, he shall, in addition to the oath required of officers by the Constitution, subscribe to an oath to be administered to him by the District judge presiding over such grand juries or the clerk of such district court, to the effect that he will well and truly take down in shorthand and keep a correct record of all evidence and testimony in any matter coming before such grand juries, when he may be called upon to do so by said judge, district or county attorney, and will promptly and correctly transcribe and deliver to such district or county attorney, a correct copy of such testimony, requested by such district or county attorney, and further, that he will keep all such testimony and records secret, and that he will keep secret all the proceedings of the grand jury had in his presence, and that he will not divulge by word or sign or otherwise, any matter that may come before said grand jury while he may be present, or which he may be called upon to take down in shorthand, read or transcribe.

Section 3. It shall be the duty of such official stenographer to attend all sessions of said grand juries and to take full shorthand notes of all the oral testimony offered before such bodies, and to transcribe and furnish to such district or county attorney correct copies of all or any portion of such testimony duly certified to by him, as such stenographer, when requested to do so by said judge, district or county attorney, and to preserve all shorthand notes taken before such grand juries for further use or reference until the defendant alleged to have committed such crime or offense shall have been tried and acquitted or convicted, and his case shall have been affirmed, or until such alleged crime or offense has become barred under the statute of limitation, and to perform such other services as may be required of him in taking statements in the investigation and preparation

of cases for trial, and in the writing of indictments and other matters for the benefit of said grand juries, district or county attorney.

Section 4. The official grand jury stenographer shall receive as compensation a per diem of five dollars for each and every day he shall be in attendance upon the grand jury, and also the sum of fifteen cents per folio of 100 words for all testimony transcribed and furnished said district or county attorney, in the following cases only, to wit: Murder, rape, robbery, arson, swindling and forgery, all other evidence or testimony transcribed or called for to be furnished without charge, other than the per diem herein provided for; such compensation to be paid monthly by the commissioners court of the respective county in which said services may be performed, out of the general funds of the county, upon the certificate of said district judge.

Section 5. The fact that there is no law providing for the appointment of an official grand jury stenographer creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect and be in effect from and after its passage, and it is so enacted.

Enrolling Committee Reports.

Committee Room.

Austin, Texas, March 20, 1918.

Hon. E. A. Decherd, President Pro Tem, of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 45, copy of which is hereto attached and find it correctly enrolled, and have this day at 3:40 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Bee.

S. B. No. 45.

An Act amending Section 1, Chapter 91 of the General Laws passed by the Thirty-fourth Legislature at its Regular Session, requiring applicants for license to practice law under the provisions of said Chapter to produce the proof of the existence of the same or similar statute in the State from

which the applicant immigrates; validating all license issued by the Clerk of the Supreme Court under the provisions of said Chapter 91, passed by the Thirty-fourth Legislature, prior to the passage of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1, Chapter 91 of the General Laws passed by the Thirty-fourth Legislature at its Regular Session be amended, so it shall hereafter read as follows:

Section 1. Amend Article 318, Chapter 1, Title 12, Revised Civil Statutes of Texas, 1911, so it shall hereafter read as follows:

Article 318. Any person who immigrates to this State from any other state in the United States, with a view of permanently residing herein, and who has been granted a license to practice law in the courts of record in the said State from which said person migrated, and has been actively engaged in the practice of law for five years preceding the date of his removal to this State, shall, upon filing with the Clerk of the Supreme Court of Texas, his license properly authenticated from the State from which he migrated and a certificate that he is a man of good reputation for moral character and honorable deportment, given under the hand and seal of a judge of a court of record of the county of his former residence, be admitted to practice law in this state without an examination as to his legal learning; and a license shall be issued to him upon payment of a fee of ten dollars to the clerk of the Supreme Court; provided that the State from which said applicant migrated has such an Act or similar Act, sufficient proof of which shall be produced by the applicant, but should said State not have such an Act or similar Act, then said person shall file his certificate of good morals and honorable deportment and shall be examined in the same manner as resident applicants.

Section 2. That all license to practice law in the courts of record of this State, heretofore issued by the Clerk of the Supreme Court, purporting to have been issued under the provisions of Chapter 91, of the General Laws of the State of Texas passed by the Thirty-fourth Legislature at its Regular Session, and where the issuance of such license

may not have been fully authorized under a strict construction of said Act, be and they are hereby validated, and that holders thereof granted the same privileges of attorneys and counsellors at law, as though such license had been fully warranted by said Act; provided, that nothing in this Act shall be construed as authorizing the Clerk of the Supreme Court to issue other license under the provisions of Chapter 91, of the General Laws passed by the Thirty-fourth Legislature at its Regular Session until the applicant therefor shall comply with the provisions of this Act.

Section 3. The fact that only a few licenses have been issued, about which there could be any question, under the provisions of the said Chapter 91 referred to in the preceding section of this Act, and they in good faith, both on the part of the Clerk of the Supreme Court and the several applicants therefor, the cancellation or revocation of which would result in hardships to the several holders thereof, and no material good to the courts or bar of the State; and the further fact that the holders of such license came to this State to make their permanent home here and continue the practice of their chosen profession without interruption, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring that bills be read on three several days, and said rule is so suspended, and that this Act take effect from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, March 20, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 70, copy of which is hereto attached and find it correctly enrolled, and have this day at 3:40 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Hudspeth.

S. B. No. 70.

An Act to amend Article 921 of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature in 1911, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That Article 921 of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature in 1911, hereafter read as follows:

Article 921. Appeals from Justice and Other Inferior Courts.—In appeals from the judgments of justices of the peace, and other inferior courts to the county court, the defendant shall, if he be in custody, be committed to jail unless he give bond with good and sufficient security, to be approved by the court from whose judgment the appeal is taken, in an amount not less than double the amount of fine and costs adjudged against him, payable to the State of Texas; provided, said bond shall not in any case be for a less sum than fifty dollars. Said bond shall describe the judgment appealed from with sufficient certainty to identify it, shall recite that in said cause the defendant was convicted on complaint, or information, charging him with a misdemeanor, and has appealed to the county court, and shall be conditioned that the defendant shall well and truly make his personal appearance before the county court of said county instantler, if said county court be then in session, and if said court be not in session, then at its regular term, stating the time and place of holding the same, and there remain, from day to day and term to term, and answer in said cause on trial in said court.

Section 2. The fact that a large number of defendants who have been convicted in justices and other inferior courts, appeal their cases to the county courts for the purpose of delay only, creates an emergency and an imperative public necessity that the constitutional rule providing that bills be read on three several days be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, March 20, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 43, copy of which is hereto attached and find it correctly enrolled, and have this day at 3:40 o'clock p. m. pre-

sented same to the Governor for his approval.

SMITH, Chairman.

By Caldwell.

S. B. No. 43.

An Act to make appropriation for the maintenance of the State Council of Defense and the payment of the Secretary thereof and his assistants, traveling expenses and other necessary expenses to be incurred by the State Council of Defense, including clerk hire, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there be, and there hereby is appropriated out of any funds in the State Treasury not otherwise appropriated, for the payment of the salary of the Secretary of the State Council of Defense and the Assistant Secretary thereof and other necessary assistants of said State Council of Defense for clerk hire and traveling expenses and other necessary expenses of said State Council of Defense, for the fiscal year ending August 31, 1918, the sum of twenty-five thousand (\$25,000.00) dollars, or so much thereof as may be necessary, and for the fiscal year ending the 31st day of August 1919, the further sum of twenty-five thousand (\$25,000.00) dollars, or so much thereof as may be necessary.

Section 2. The money hereby appropriated shall be paid out under the direction of the State Council of Defense upon voucher approved as now provided by law.

Section 3. The fact that the public welfare demands that the work of the State Council of Defense be carried on in an effective manner, and that the appropriation herein provided for is absolutely necessary for the maintenance of said State Council of Defense and its necessary work create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this bill be placed upon its third reading and final passage and that it take effect and be in force from and after its passage, and it is hereby so enacted.

TWENTIETH DAY.

Senate Chamber,
Austin, Texas.

Thursday, March 21, 1918.

The Senate met at 9 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

By unanimous consent, and on request of Senator Alderdice, the Senate stood at ease for thirty minutes, at the expiration of which time the roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	

Absent.

Woodward.

Absent—Excused.

Dayton.
Hudspeth.

Smith.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Excused.

Senator Smith was excused for today and indefinitely, on account of important business, on motion of Senator Hopkins.

Petitions and Memorials.

There were none today.

Committee Reports.

See Appendix.